

**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

Docket No.  
115808-504

In Re Application Of: Ubbink et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/507,359	September 10, 2004	M. Cano	29157	1761	5698

Title: **PROBIOTIC DELIVERY SYSTEM**
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Statement Under 37 CFR 3.73(b) (1 page) (duplicate);  
Power of Attorney (1 page) (duplicate); and  
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in the above identified application.

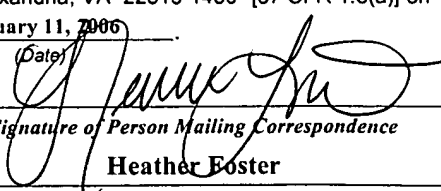
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Dated: January 11, 2006

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Robert M. Barrett (30,142)  
Customer No.: 29157

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I hereby appoint:



Practitioners associated with the Customer Number:

29157

OR



Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

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as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

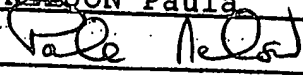
Assignee Name and Address:

Nestec S.A.  
Avenue Nestlé 55  
CH-1800 Vevey  
Switzerland

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name	NELSON Paula	Date	12 JAN. 2005
Signature		Telephone	
Title	Vice President		

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### **STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Nestec S.A.

Application No./Patent No.: 10/507,359

Filed/Issue Date: September 10, 2004

Entitled: **PROBIOTIC DELIVERY SYSTEM**

Nestec S.A., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 016597, Frame 0972, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document (s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Robert M. Barrett

Printed or Typed Name

Attorney of Record

Title

January 11, 2006

Date

312-807-4204

Telephone number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETE D FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Application Number	10/507,359
Filing Date	September 10, 2004
First Named Inventor	Ubbink et al.
Art Unit	1761
Examiner Name	M. Cano
Attorney Docket Number	115808-504

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Attorney or Agent of record. Registration Number 30,142



Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number

Signature

Typed or Printed Robert M. Barrett

Date

January 11, 2006

Telephone

312-807-4204

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.



\*Total of 2 forms are submitted.

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